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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,941	12/08/2003	Naoki Matsuda	0425-1096P	9006
2292	7590	04/07/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			FLEMING, FAYE M	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/728,941		MATSUDA ET AL.	
	Examiner		Art Unit	
	Faye M. Fleming		3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 8/1, 8/5, 11/1, 11/5, 12/1, 12/5, 13/1, 13/5, 14/1 and 14/5 is/are rejected.
- 7) ☒ Claim(s) 2, 4, 6-7, 8/2, 9, 10, 11/2, 12/2, 13/2 and 14/2 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "...the lower end opening peripheral edge of the inner cylindrical shielding plate comes into contact with the housing bottom surface, the upper end opening peripheral edge of the inner cylindrical shielding plate comes into contact with housing ceiling surface..." is unclear. The examiner notes the inner cylindrical shielding plate does not come into contact with the housing bottom and ceiling surface as shown in the drawings, however an inner cylindrical shielding plate comes into contact with the housing bottom and a second inner cylindrical shielding plate comes into contact with the housing ceiling surface.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3/1, 5, 8/1, 8/5, 11/1, 11/5, 14/1 and 14/5 are rejected under 35 U.S.C. 102(b) as being anticipated by Katsuda et al. (6,129,381).

Katsuda discloses a gas generator for an air bag comprising a housing having a gas discharge port 11; an ignition means chamber 23 accommodating therein ignition means 4; a combustion chamber 28 accommodating therein a gas generating agent 6; a cylindrical filter 7 disposed between the combustion

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chamber and the gas discharge port; wherein an inner cylindrical shielding plate 32, 33 is disposed inside the cylindrical filter, the inner cylindrical shielding plate is disposed such that its lower end opening peripheral edge comes into contact with a housing bottom surface and a space is formed between an upper end opening peripheral edge of the inner cylindrical shielding plate and a housing ceiling surface, a portion having excellent air permeability is provided between an inner peripheral surface of the cylindrical filter and the inner cylindrical shielding plate. With respect to claims 5 and 8, Katsuda teaches the claimed structure as shown in figure 1. Katsuda teaches a portion having excellent air permeability provided between an inner peripheral surface of the cylindrical filter and an inner cylindrical shielding plate is a cylindrical space provided between the inner peripheral surface of the cylindrical filter and the inner cylindrical shielding plate or a coarse structure of the cylindrical filter.

With respect to claim 14, when the applicant claims an operation of a device not explicitly disclosed in a prior art reference, the U.S. Patent and Trademark Office "possesses the authority to require the applicant to prove that the subject matter shown in the prior art does not possess the characteristics relied on." In re Ludtke and Sloan, 169USPQ 563,566 (C.C.P.A. 1971). The applicant is required to prove that the subject matter shown in U.S. Patent 6,129,381 would not operate as claimed.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12/1, 12/5, 13/1, 13/5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuda et al. (6,129,381).

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Katsuda discloses the claimed invention except for a bulk density of the filter and the thickness of the filter. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the filter of Katsuda to have a specific density and a specific thickness, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Allowable Subject Matter

7. Claims 2, 4, 6-7, 8/2, 9, 10, 11/2, 12/2, 13/2 and 14/2 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claim 3/2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

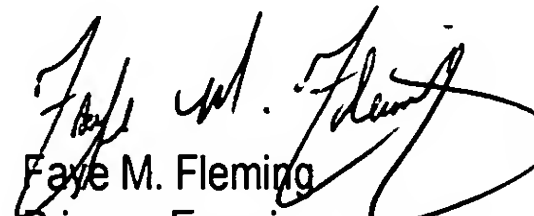
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Faye M. Fleming
Primary Examiner
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